

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Robert Earl Peterson,

Plaintiff,

v.

Kenny Brown, David Philbeck and Capt
Steven Anderson,

Defendants.

C/A No. 5:15-cv-861-TMC-KDW

ORDER

Plaintiff, proceeding pro se and *in forma pauperis*, brought this action alleging violations of his constitutional rights pursuant to 42 U.S.C. § 1983. On September 8, 2015, Defendants filed a Motion for Summary Judgment. ECF No. 34. In an order granting Plaintiff an extension on his response filing date and because Plaintiff is proceeding pro se, the court advised him of the importance of such motions and of the need for him to file adequate response pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975). ECF No. 35. Plaintiff was specifically advised that if he failed to respond adequately, Defendants' Motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order Plaintiff has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action against this Defendant. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to Defendants' Motion for Summary Judgment by **November 23, 2015**. Plaintiff is further advised that if he fails to respond, this action will be

recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

October 20, 2015
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West
United States Magistrate Judge